

**COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT**

**Suggestion Category: Wild Animal Possession Permits**

Administrative Cause No. 09-125D

August 25, 2009 Public Meeting Minutes

**GUESTS PRESENT**

Aaron Cleveland	Silly Safari Shows, Inc.
John Cusson	Silly Safari Shows, Inc.

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Linnea Petercheff      Fish and Wildlife

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Sandra Jensen

Mr. Cleveland and Mr. Cusson identified themselves as the owners and operators of Silly Safari Shows, Inc., which is “the leading provider of live animal conservation outreach education programs in Indiana.” They provided a fact sheet to aid in explaining that Silly Safaris uses wild animals in approximately 3,000 animal conservation oriented shows throughout the United States annually. Performances at schools are designed specifically by grade level to meet Department of Education curriculum standards. Other shows occur as nature day programs at schools and other places such as libraries, city events, parks and at festivals, fairs, conventions and churches. Silly Safaris is regularly on television and radio and will release the first of two children’s books in 2009. Mr. Cleveland and Mr. Cusson explained that the focus of all of Silly Safaris performances is conservation.

Indiana Code § 14-22-26-1 authorizes licensed commercial dealers, zoological parks, circuses and carnivals to possess wild animals without needing to obtain a wild animal possession permit from the Department of Natural Resources (*DNR*). Indiana Code § 14-22-26-2 clarifies that a zoological park is “(1) a permanent establishment that is a member of the American Association of Zoological Parks and Aquariums; or (2) an agency of local government, open to and administered for the public, to provide education, conservation, and preservation of the earth’s fauna.”

Mr. Cleveland and Mr. Cusson note that the use of wild animals in conservation education programs such as theirs is an emerging trend in conservation education.

Historically, this type of education has been provided through zoos and other similar establishments that are accredited through organizations such as the American Association of Zoological Parks and Aquariums (AAZPA). However, the AAZPA does not yet recognize recent trends in conservation education and therefore will not accredit organizations like Silly Safaris that do not have “a front gate.” The AAZPA has also discontinued their “related facilities” programs, which covered traveling education programs conducted by otherwise accredited establishments. By virtue of the accreditation requirements of the AAZPA, the present statute requires entities like Silly Safaris, which takes conservation education to the public, to obtain wild animal possession while it exempts from this permitting requirement those entities that require the public to come to their facility. Mr. Cleveland and Mr. Cusson believe that entities exempted by law from permitting requirements tend to be legitimized in the public eye. Conversely, entities, such as Silly Safaris, that provide the same conservation education that are not exempt from these requirements because they do not meet the accreditation requirements of the AAZPA tend to be ostracized.

Mr. Cleveland and Mr. Cusson acknowledged that the animals used in Silly Safaris’ shows are possessed under a United States Department of Agriculture (*USDA*) permit. Because Silly Safaris possesses that *USDA* permit it is not presently obligated to obtain a wild animal possession permit under Indiana Code 14-22-26-1 et seq. or 312 IAC 9-11-1 et seq. unless they were to obtain a venomous reptile or an endangered species. However, they note their belief that all wild animal shows focused on conservation education should operate under the same regulations and that those regulations should be established by the State of Indiana. Mr. Cleveland and Mr. Cusson note that the present statute allows the AAZPA, an organization independent of Indiana Government regulation, to identify which entities are required to obtain an Indiana wild animal possession permit.

Mr. Cleveland and Mr. Cusson further noted that Indiana Code § 14-22-26-2 is outdated. The name “American Association of Zoological Parks and Aquariums” is no longer the official name of that entity. Furthermore, other accrediting entities that have come into existence, including the Zoological Association of America, that is not included within Indiana Code § 14-22-26-2.

Mr. Cleveland and Mr. Cusson offered two alternative methods to address their concerns. One option would involve amending both Indiana Code §§ 14-22-26-1 et seq. and 312 IAC 9-11-1 et seq. to provide an exemption from the wild animal possession permitting for entities such as Silly Safaris. Alternatively, Mr. Cleveland and Mr. Cusson explained that their preference would be for the exemptions to wild animal possession permitting that are presently provided in Indiana Code §§ 14-22-26-1 et seq. to be eliminated entirely.

Mr. Cleveland and Mr. Cusson explained their belief that the latter option would place the regulation of wild animal possession and permitting solidly within the control and governance of the DNR. They also acknowledged that this action could result in Silly

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Safaris having to obtain permits that they presently are not required to obtain. However, they stated that they preferred the latter option.

Linnea Petercheff, Staff Specialist for the DNR's Division of Fish and Wildlife, confirmed that this substantive suggestion will require legislative action. She also stated that Mr. Cleveland's and Mr. Cusson's preferred option to have the exemptions removed from Indiana Code §§ 14-22-26-1 et seq. and allow the DNR to have full control and governance over wild animal possession permitting is supported by the Department. In fact, the DNR has submitted this proposal for statutory amendment in three previous legislative sessions.